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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CATHY ENWERE,) Case No.: C 07-1239 JF (PVT)
Plaintiff,)
v.)
TERMAN ASSOCIATES, L.P., dba)
TERMAN APARTMENTS, et al.,)
Defendants.)

)

INTERIM ORDER RE DEFENDANTS'
MOTION TO COMPEL SAN MATEO
COUNTY HEALTH DEPARTMENT TO
PRODUCE DOCUMENTS PURSUANT TO
SUBPOENA

On November 10, 2008, Defendants filed a Motion to Compel San Mateo County Health Department to Produce Documents Pursuant to Subpoena.¹ Plaintiff opposed the motion. Non-Party San Mateo County Health Department (“San Mateo”) submitted the subpoenaed records to the court in two sealed envelopes, along with a cover letter asserting the confidentiality of the records and asking the court to conduct and *in camera* review of the records for relevancy and confidentiality prior to release.² The court has **not** opened the two sealed envelopes containing the records. Having reviewed the papers submitted by the parties, the court finds it appropriate to issue this interim order without further briefing or oral argument. Based on the briefs and arguments submitted, and the file

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

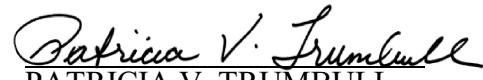
² A copy of the cover letter shall be electronically filed herein.

1 herein,

2 IT IS HEREBY ORDERED that, no later than December 16, 2008, any party that objects to
3 the court conducting an *in camera* review of the documents shall file a brief setting forth the basis
4 for the objection. As discussed in this court's order of this same date on Defendants' motion to
5 compel, Plaintiff has waived her right to privacy with respect to her mental health records to the
6 extent her mental health information is relevant to this lawsuit. Because the records submitted by
7 San Mateo for in camera review may include records outside the scope of Plaintiff's waiver, it
8 appears *in camera* review is warranted in order to determine which of the records should be
9 disclosed to Defendants.

10 IT IS FURTHER ORDERED that, if Plaintiff files an objection to this order by December 23,
11 2008,³ the *in camera* review will automatically be stayed pending District Judge Fogel's ruling on
12 Plaintiff's objection.

13 Dated: 12/3/08

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15 PATRICIA V. TRUMBULL
16 United States Magistrate Judge

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See FED.R.CIV.PRO. 72(a), 6(a)(2) & 6(d).

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2 ***Counsel automatically notified of this filing via the court's Electronic Case Filing system.***

3

4 copies mailed on 12/3/08 to:

5 Cathy Enwere
1263 Madera Ave.
6 Menlo Park, CA 94025

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/s/ Donna Kirchner for
CORINNE LEW
Courtroom Deputy

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